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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/675,782	
	Filing Date	30 September 2003	
	First Named Inventor	Freitag	
	Art Unit	2653	
	Examiner Name	Heinz, Allen J.	
Total Number of Pages in This Submission	4	Attorney Docket Number	HSJ9-2003-0071US2

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks -Response to Restriction/Election Requirement		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	John J. Oskorep, Esq.
Signature	
Date	17 February 2006

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Typed or printed name	John J. Oskorep, Esq.
Signature	
Date	17 February 2006

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Inventor)	Group No.: 2653
)	
Serial No.:)	Examiner: Heinz, Allen J.
)	
Filed:)	Docket No.: HSJ9-2003-0071US2
)	

For: *SPIN VALVE SENSOR HAVING ONE OF TWO AP PINNED LAYERS
MADE OF COBALT*

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

In response to the Restriction Requirement mailed on 24 January 2006, please consider the following:

In the mailing of 24 January 2006, a Restriction Requirement was issued for the above-referenced patent application. In particular, the Examiner restricted claims of the application to one of the following inventions:

Group I: Claims 23-30 which are drawn to a method of fabricating a spin valve sensor; and

Group II: Claims 1-22 which are drawn to a spin valve sensor.

In the communication, the Examiner stated that "the article can be fabricated using steps which do not follow the same chronological order of the claimed steps and/or may omit certain step(s)."

In response, the Applicant respectfully disagrees with the Examiner's restriction and traverses the restriction. For one, the method claims of the present application include most if not all of the same or similar limitations of the sensor claims. For example, the method claim 23 includes the limitations "first AP pinned layer," "second AP pinned layer," "antiparallel coupling (APC) layer", "antiferromagnetic (AFM) pinning layer", etc., as do the sensor claims. Further, the Examiner's reasoning assumes that the order of language recitation in method claim 23 dictates the chronological order of the steps of the method. This is not necessarily true, unless the Examiner can otherwise support this assumption. In addition, no steps can merely be omitted or deleted from the claim.

The Applicant respectfully requests the Examiner to reconsider the position taken. In any event, the Applicant elects Group II claims 1-22 with traverse.

Thank you. The Examiner is invited to contact the undersigned by telephone if necessary to expedite this matter.

Date:

19 Feb 2006

Respectfully Submitted,

JOHN J. OSKOREP

Reg. No. 41,234

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